

**Council Chambers, Municipal Building, Baraboo, Wisconsin  
Tuesday, October 22, 2019 – 7:00 p.m.**

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Sloan, Petty, Ellington, Kierzek, Thurow

Council Members Absent: Plautz, Alt

Others Present: Chief Schauf, Clerk Zeman, Adm. Geick, Atty. Truman, M. Hardy, C. Haggard, J. Bergin, T. Pinion, K. Stieve, L. Laux, Dawn Gunderson, members of the press and others.

The Pledge of Allegiance was given.

Moved by Wedekind, seconded by Kolb and carried to approve the minutes of October 8, 2019.

Mayor Palm noted that we are amending the agenda to remove Consent Agenda items CA-3 and CA-4. Moved by Ellington, seconded by Sloan and carried to approve the agenda as amended.

**Compliance with the Open Meeting Law was noted.**

**PRESENTATIONS** - None Scheduled

**PUBLIC HEARINGS** – None Scheduled

**PUBLIC INVITED TO SPEAK** – No one spoke.

**MAYOR'S BUSINESS**

The Mayor congratulated the following staff on their November anniversaries:

- Todd Greenwood, Public Works – 10 years
- Allison Goetz, Public Works – 20 years

**CONSENT AGENDA**

**Resolution No. 19-105**

THAT the Accounts Payable, in the amount of \$229,223.18 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

**Resolution No. 19-106**

THAT, Shelley Mordini be appointed to the Baraboo Park & Recreation Commission to fill the unexpired term of Mary Mjelde, serving until July 31, 2020.

Moved by Kolb, seconded by Petty and carried that the Consent Agenda be approved-7 ayes.

**ORDINANCES ON 2<sup>ND</sup> READING**

Moved by Sloan, seconded by Petty and carried unanimously to approve the 2<sup>nd</sup> reading of **Ordinance No. 2534** revising Ordinance §25.10(i)(4) pertaining to bond amounts for Animal at Large violations.

**NEW BUSINESS - RESOLUTIONS**

**Resolution No. 19-107**

THAT the Baraboo Parks, Recreation and Forestry Department Diversity and Inclusion Policy be adopted in an effort to better promote and maintain inclusive practices in the city's park and recreation facilities and programs.

Moved by Petty, seconded by Kolb and carried that **Resolution No. 19-107** be approved-7 ayes.

**Resolution No. 19-108**

THAT the proposal from Dirt Monkey, LLC to remove the old waterworks garage on Hill Street in the amount of \$19,190 be accepted with the \$6,690 budget shortfall allocated from the Park Impact Fund.

Moved by Petty, seconded by Wedekind and carried that **Resolution No. 19-108** be approved-7 ayes.

**Resolution No. 19-109**

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE  
OF \$1,240,000 TAXABLE GENERAL OBLIGATION  
REFUNDING BONDS, SERIES 2019A

WHEREAS, on September 10, 2019, the Common Council of the City of Baraboo, Sauk County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution"), providing for the sale of Taxable General Obligation Refunding Bonds, Series 2019A (the "Bonds") for the public purpose of refunding the 2020 through 2030 maturities of the Taxable General Obligation Corporate Purpose Bonds, dated December 27, 2010 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service savings;

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such Bonds on a taxable rather than tax-exempt basis;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds to pay the cost of the Refunding;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on October 22, 2019;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on October 22, 2019;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Ratification of the Notice of Sale and Offering Materials. The Common Council hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of ONE MILLION TWO HUNDRED FORTY THOUSAND DOLLARS (\$1,240,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds, Series 2019A"; shall be issued in the aggregate principal amount of \$1,240,000; shall be dated November 14, 2019; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 12-1 and upward; and shall bear interest at the rates per annum and mature on December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2020. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt

Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on December 1, 2027 and thereafter are subject to redemption prior to maturity, at the option of the City, on December 1, 2026 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2019 through 2029 for the payments due in the years 2020 through 2030 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Refunding Bonds, Series 2019A, dated November 14, 2019" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery

of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof; and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not

limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation

services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds: Fiscal Agent. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.



Section 13. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to Old National Bank at Closing for further distribution as directed by Ehlers.

Section 14. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 15. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 16. Redemption of the. Refunded. Obligations. The Refunded Obligations are hereby called for prior payment and redemption on December 1, 2019 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with Ehlers to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

**Section 18. Bond Insurance.** If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

**Section 19. Conflicting Resolutions: Severability; Effective Date.** All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded October 22, 2019.

Moved by Sloan, seconded by Petty and carried that **Resolution No. 19-109** be approved-7 ayes.

**Resolution No. 19-110**

THAT the following applications for funds from the City's Alma Waite Fund are approved for fiscal year 2020:

1. Al Ringling Theatre Friends – In the amount of \$1,500
2. Baraboo Public Arts Association – In the amount of \$3,000
3. Concerts on the Square – In the amount of \$10,000
4. Oschner Park Zoo Sidewalk – In the amount of \$4,500

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the appropriate contracts on behalf of the City as required by §27.01(2)(f) of the Baraboo Municipal Code.

Moved by Ellington, seconded by Wedekind and carried that **Resolution No. 19-110** be approved-7 ayes.

**COMMITTEE OF THE WHOLE**

Moved by Wedekind, seconded by Kolb to enter Committee of the Whole to discuss the Preliminary FY 2020 Budget.

C. Haggard noted that the 2020 budget deficit is currently \$31,450. The Finance Committee has made a recommendation to remove the Facilities Manager position and applying the overage for contracted services for maintenance. Another recommendation is using the savings in the debt payment of roughly \$15,000 to repay the Utilities for an advance to TIF #7.

Ald. Kolb questioned if we know the amount of contracted services. At this time, we are not sure what the amounts will be. This information will be provided at a later date.

Ald. Kierzek stated that she is not comfortable approving the budget based on the \$30 per

capita for the ambulance; she is concerned with what the audit is going to say. She feels it is unfair for the ambulance to request a 25% budget increase while we are asking other departments to cut costs.

Adm. Geick noted that his recommendation is to take the difference between the \$27 and \$30 and set it aside until we see the results of the audit, so that we have a better idea of how they are using these funds. We will not have the results of the audit until the end of November, after the budget has been passed. This is a way to try and find some compromise between those who are concerned about the ambulance management vs the recommendation that came about the ambulance budget. The money would be segregated and we could make a decision later on how to best deal with it.

Ald. Petty noted his concerns in regards to this and based on previous discussion with the ambulance commission, an agreeable amount of \$30. He wanted everyone to be aware that the ambulance has had to take out a line of credit out for \$500,000 just to make operational costs. It was a mutual agreement unanimous by all representatives for the City of Baraboo as well as the rural members to do the \$30 and he is extremely reluctant to go back on his word and do anything less than \$30.

Moved by Wedekind, seconded by Kolb to reconvene into regular session.

Motion by Ellington to approve the preliminary 2020 budget with the elimination of the Facilities Manager position and using these funds to balance the budget; any overage of funds used for contracted services, seconded by Wedekind and carried. 6 Ayes; 1 Nay, Kierzek

Motion by Petty to use debt savings of \$15,283 for repayment to the Utilities for a TIF #7 advance, seconded by Petty. Motion carried unanimously.

### **NEW BUSINESS - ORDINANCES**

Moved by Wedekind, seconded by Sloan and carried unanimously to approve the 1<sup>st</sup> reading of **Ordinance No. 2535** creating Section 3.17 of the Baraboo Municipal Code of Ordinance.

1. Section 3.17 of the Baraboo Municipal Code of Ordinance is hereby adopted as follows:

#### **3.17 STREET LIGHT SYSTEM SPECIAL CHARGE.**

- (1) **PURPOSE AND AUTHORITY.** The Common Council finds that it is in the best interest of the citizens that the City have a street light system. The Council further finds that the street light system benefits each and every improved property within the City. The Council has therefore determined that it is fair, appropriate and reasonable that the costs of the street light system be paid for by all of the Improved Lots in the City through the imposition of a special charge as provided for in this ordinance. In promulgating the regulations contained in this ordinance, the City is acting pursuant to authority granted to it by Wisconsin Statutes, including, but not limited to, § 66.0627, Wis. Stats.
- (2) **DEFINITIONS.** As used in this ordinance, the following terms shall have the following meanings:
  - (a) "Improved Lot" means each tax parcel of land that has located thereon improvements such as a building, garage, shed, storage

facility, or any other type of structure providing housing, storage, or any type of service of use. Improved Lots may have located thereon Residential Unit(s) and/or Non-Residential Unit(s).

- (b) "Residential Unit(s)" means single-family and two-family dwelling units. The number of Residential Units shall equal the number of such dwelling units located on an Improved Lot.
- (c) "Non-Residential Unit(s)" means industrial, commercial, institutional, and three- or more multifamily units located on an Improved Lot.
- (d) "Recovery Amount" means the costs for the operation and maintenance of the City's street light system for the twelve month period beginning December 1 and ending on November 30 of the following year.
- (e) "Street light system" means all street lighting facilities and equipment that produce light for the benefit of the community that are operated and maintained, or authorized to be operated and maintained, by or on behalf of the City.

(3) CHARGES AND INVOICING.

- (a) The basis for computation of the special charge for the street light system to Improved Lots within the City is established under this section. Such charges are based on the total number of Residential Units and/or Non-Residential Units located on each Improved Lot. A schedule of current charges shall be maintained and on file in the office of the City Engineer.
- (b) The Recovery Amount shall be determined for each calendar year, based on the total cost of operation and maintenance of the Street Light System for the preceding twelve month period. The total amount of the annual Recovery Amount shall be determined as of December 1st of each year insofar as practicable.
- (c) Once the total Recovery Amount has been determined as provided for in (b), above, it shall be divided by the total of (i) the number of Residential Units located on all Improved Lots in the City and (ii) the number of Non-Residential Units located on Improved Lots in the City, multiplied by a factor of 2.0. The resultant is herein referred to as the Base Charge per Unit. ( $BC=RA/(R + 2NR)$ ).
- (d) The Base Charge to each Improved Lot shall equal (i) the sum of the Base Charge for each Residential Unit thereon and/or (ii) the sum of the Base Charge for each Non-Residential Unit thereon, multiplied by a factor of 2.0.

- (e) Base Charges shall be invoiced to the owner of the Improved Lot on a quarterly basis in conjunction with the City's utility bill, with each invoice being for one-fourth of the total Base Charge due from the Improved Lot.
- (4) PAYMENT, LIEN, LATE PAYMENT PENALTY.
- (a) Street light system charges shall be payable upon receipt and shall not be payable in installments. If a charge remains unpaid for a period of 20 calendar days after it is payable, the charge shall be deemed delinquent. Such delinquent charges shall be subject to a late payment penalty, which shall be a one-time fee of 3% of the delinquent charges.
  - (b) On or before the last day in October in each year, the City shall give notice to the owner of all Improved Lots if payment is in arrears at that time. The notice shall include, but not be limited to, the following information:
    - i. The amount of arrears, including any penalties assessed;
    - ii. That, if not paid in full by the stated date, a penalty of ten percent (10%) of the amount of arrears shall be added to that amount;
    - iii. That, unless paid by the stated date, the arrears with added penalty will be levied against that property and placed on the tax roll as a lien against the property.
  - (c) If payment in full is not received on or prior to the stated date, the delinquent amount owed will be forwarded to the County Treasurer for placement on the tax roll.
- (5) APPEAL
- (a) A street light system charge may be appealed to the City Finance/Personnel Committee. The appeal must be undertaken by filing a written appeal with the City Clerk on or prior to the due date of the charge and within 10 calendar days of payment of the charge. No appeal can be taken unless the disputed charge has been paid in full. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount that the appellant considers appropriate. Failure to appeal pursuant to this section shall deprive the Finance/Personnel Committee of jurisdiction to hear the appeal.
  - (b) In considering an appeal, the Finance/Personnel Committee shall determine whether the charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The Finance/Personnel Committee may conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The decision of the Finance/Personnel Committee shall be based upon the evidence presented to it. The Finance/Personnel Committee shall notify the appellant in

writing of its determination and its determination shall be final.

- (6) SEVERABILITY. If any section, provisions or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (7) SUNSET AND EXPIRATION OF FEE. This ordinance sunsets and repeals at the end of the current annual charge cycle in which the following provisions have been met:
  - (a) The City's adoption of a Premier Resort Area Tax, pursuant to §77.994, Wis. Stat., and
  - (b) The City Treasurer or designee confirming to the Common Council that there are adequate funds distributed to the City by the Wisconsin Department of Revenue per § 77.9941, Wis. Stat., to offset the revenue that would otherwise have been collected by this special charge.

2. This Ordinance shall take effect upon passage and publication as provided by law.

Moved by Wedekind, seconded by Ellington to approve the 1<sup>st</sup> reading of **Ordinance No. 2536** creating Section 3.16 of the Baraboo Municipal Code of Ordinance, effective January 1, 2020. Motion carried. 6 Ayes; 1 Nay, Sloan

1. Section 3.16 of the Baraboo Municipal Code of Ordinances is hereby created as follows:

**3.16 MUNICIPAL VEHICLE REGISTRATION FEE.**

- (1) AUTHORITY. This ordinance, creating a municipal vehicle registration fee for the City of Baraboo, is adopted pursuant to the authority granted to the City by § 341.35, Wis. Stats., as from time to time amended.
- (2) PURPOSE. The purpose of this ordinance is to provide the City of Baraboo a source of revenue to be used for transportation related purposes.
- (3) DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:
  - (a) "Vehicle registration fee" means the municipal vehicle registration fee adopted by the City of Baraboo pursuant to § 341.35, Wis. Stat.
  - (b) "Motor vehicle" means all automobile or motor trucks registered under §341.25(1)(c), Wis. Stat., at a gross weight of not more than 8,000 lbs., registered in the state of Wisconsin and customarily kept in the City of Baraboo.

- (4)    IMPOSITION OF CITY VEHICLE REGISTRATION FEE.
- (a)    Pursuant to § 341.35, Wis. Stat., an annual flat vehicle registration fee in the amount of twenty dollars (\$20.00) is hereby imposed on all motor vehicles.
- (b)    The City vehicle registration fee shall be paid by the registration applicant at the time that a motor vehicle is first registered and at each time of registration renewal.
- (c)    The City registration fee shall be paid as provided for in §341.35(5), Wis. Stats.
- (d)    The City registration fee shall be in addition to State registration fees.
- (5)    ADMINISTRATIVE COSTS. The Wisconsin Department of Transportation shall retain a portion of monies collected equal to the actual administrative costs related to the collection of the City vehicle registration fee. The method for computing the administrative costs will be reviewed annually by the Wisconsin Department of Transportation, as provided in § 341.35, Wis. Stats.
- (6)    EXEMPTIONS. The following motor vehicles are exempt from the City vehicle registration fee:
- (a)    All vehicles exempted by Wisconsin Statute Chapter 341 from payment of a State vehicle registration fee.
- (b)    All vehicles registered by the State of Wisconsin under §341.26 for a fee of five dollars (\$5.00).
- (c)    No City vehicle registration fee may be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current City vehicle registration fee has been paid.
- (7)    DEPOSIT OF FEE REVENUES. All monies under the applicable statute and this ordinance remitted to the City by the Wisconsin Department of Transportation or other applicable agency shall be deposited into the City's general fund and shall be used solely for paying for transportation related expenses.
- (8)    SEVERABILITY. If any section, provisions or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (9)    SUNSET AND EXPIRATION OF FEE. This ordinance sunsets and repeals on December 31 of the calendar year in which the following provisions have been met:
- (a)    The City's adoption of a Premier Resort Area Tax, pursuant to § 77.994, Wis. Stat., and

- (b) The City Treasurer or designee confirms to the Common Council that there are adequate funds distributed to the City by the Wisconsin Department of Revenue, as provided for by § 77.9941, Wis. Stat., to offset the revenue that would otherwise have been collected by this fee.

2. This Ordinance shall take effect upon passage and publication as provided by law.

Moved by Ellington, seconded by Sloan to approve the 1<sup>st</sup> reading of **Ordinance No. 2537**, Option B, amending the base salary for Alderperson's to \$400/month, effective with the start of the Alderperson's new term. Motion carried. 5 Ayes; 2 Nays, Kolb and Kierzek

1. Section 2.08(2) of the Baraboo Municipal Code is amended as follows:

**2.08 SALARY FOR MAYOR AND ALDERPERSONS.**

- 2) ALDERPERSON'S SALARY. Effective January 1, 2020, each Alderperson shall receive a base salary of \$400 per month. The City will budget for Alderperson's attendance at the League of Municipalities conference and other similar training sessions.. (1686 04/21/93, 1598 04/09/91, 1597 04/09/91, 1527 12/13/88, 1788 03/14/95, 2212 10/25/2005, 2537 11/12/19)

2. This Ordinance shall take effect upon passage and publication as provided by law.

**ADMINISTRATOR AND COUNCIL COMMENTS**

Mayor Palm noted that the hours for Trick or Treating are from 4pm to 7pm on October 31<sup>st</sup> and the Veteran's Day Ceremony is at 11:00am on Monday, November 11<sup>th</sup> at the Civic Center

Ald. Ellington noted that Friday at 3:00pm we will know who donated the \$2.5M to the Library.

**REPORTS, PETITIONS, AND CORRESPONDENCE**

The City officially acknowledges receipt and distribution of the following:

• **Reports:**

- September 2019 – Treasurer
- 3<sup>rd</sup> Qtr. 2019 Taxi Financial Statement
- 3<sup>rd</sup> Qtr. 2019 Financial Statement

• **Minutes from the Following Meetings:**

**Finance/Personnel Committee – Dennis Thurow Committee Room, #205**

**October 8, 2019**

**Members Present:** Petty, Thurow, Sloan

**Absent:**

**Others Present:** Mayor Palm, Adm. Geick, E. Truman, B. Zeman, C. Haggard, K. Stieve, J. Bergin, L. Laux, T. Pinion, Dana Sechler, Lacey Steffes, Tim Stieve, Forrest Hartman, Ald. Ellington, Rob Nelson

**Call to Order** –Ald. Petty called the meeting to order at 6:00 p.m. noting compliance with the Open Meeting Law.

Moved by Sloan, seconded by Thurow to approve the minutes of September 24, 2019 and carried unanimously.

Moved by Sloan, seconded by Thurow to approve the agenda. Motion carried unanimously.

**Action Items**

- a) **Accounts Payable** – Moved by Sloan seconded by Thurow to recommend to Council for approval of the accounts payable for **\$523,839.73**. Motion carried unanimously.



- b) **Approve amended contract for Taxi Service to Abby Vans, effective January 1, 2020** C. Haggard explained that the rates approved at the last meeting are adjusted by a decrease of \$.14 per hour. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.
- c) **Approve extending Landfill Monitoring Contract with MSA Professional Services, Inc. 2020 through 2022** T. Pinion explained that the City has owned this landfill for a long time; it was closed in 1976. Since 1983 we have been required to monitor the landfill. Historically, we have contracted with MSA for this service, the most recent contract to expire 12/31/2019. The new contract represents about an average of 3% per year increase over the last contract. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.
- d) **Authorize the Mayor and City Clerk to award and execute a contract for the position of City Administrator** Presented tonight for approval is a draft agreement between the City of Baraboo and applicant Kennie Downing. Atty. Truman noted that the draft agreement includes a salary of \$110,000 per year, benefits pursuant to the Employee Handbook, and reimbursement of moving expenses not to exceed \$10,000. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.
- e) **Approve a gift of \$2,500,000 from an anonymous donor to the Baraboo Public Library, conditioned upon the name change of Library to the Carnegie-Memorial Public Library J. Bergin** explained that this donation was presented by Library Board member Forest Hartman with the stipulation that the library name be changed. The Library Board did accept this donation at their September 17<sup>th</sup> meeting. The stipulation also includes approval from the City Council to the name change. Atty. Truman clarifies that this is a donation given to the Library, not the City. Because there are no other conditions or terms on this, the Library does have the ability to follow their own policies. Ald. Thurow believes that with this donation, the name should stay forever. J. Bergin notes that she is pleased that the donor wants to include "Carnegie" and honor that name. Ald. Petty notes that this is a very generous gift to the Library and will allow the library board to move forward on the expansion and renovation; he is very appreciative of the gesture and interest in improving the community. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.
- f) **Amend §2.08 of the City Code to increase Alderperson's monthly salary from \$300/mo to \$400/mo.** The Committee reviewed the two options for amending this Ordinance. Moved by Sloan to approve amending the ordinance to an Alderperson's salary of \$400 per month, seconded by Petty and recommended to Council for action. Motion carried unanimously.
- g) **Review the 2020 Baraboo District Ambulance Service tax levy \$360,690.00** Ald. Petty noted that the increase came about at the commission level because they have struggled with being able to place money in a reserve account; they have found themselves at the low end of a cash flow issue. The increase is two-fold: cover the cost of the Baraboo District Ambulance service and place some money in a reserve account for vehicles, and have an undesignated fund balance accessible for emergency services. Chief D. Sechler explained that the increase to \$30 per capita is a compromise of possible budget scenarios. Ald. Sloan noted that they have always tried to run a tight budget, as even as possible but this year it did not work out. The increase will allow a little cushion and not looking at the possibility of borrowing money. Mayor Palm noted that every department within the City has had to reduce their budget, some considerably. The extra \$3 per capita puts more back on the City; money they have already fought to take off the budget. He can't support the \$3 per capita while other departments are taking significant cuts. Ald. Petty noted that while he understands the Mayors concerns, the ambulance has really tried to minimize their increases but are now at a position where they are playing catch-up. All of the representatives from the City voted in favor of the increase. Chief D. Sechler noted that the following budget concerns: the average time for billing is now about 5 days, the 2020 budget includes a cost of living for the ambulance staff of 3%, and at this time, the line of credit has been established but not utilized. C. Haggard noted that based on the budget numbers provided, she believes there is room to adjust the 2020 budget numbers. Ald. Petty stated that the budget has been discussed quite a bit by the Commission and he agrees with the budget as presented. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.
- h) **Authorize the Mayor and City Clerk to execute a Pre-Development Agreement with Three Amigos Property Management, LLC. For a proposed 64-unit luxury apartment complex at 325 Lynn Street** T. Pinion noted that this is the second developer for this property. Because the property is located in a TID District, it's customary for the City to provide some sort of developing incentive; Three Amigos is looking for approximately 20% of the \$5M as incentive. This pre-development agreement will preserve their interest in the project while they invest real money. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.

#### **Informational Items**

City Attorney's report on insurance claims:

- Denial – Jennifer Stulo filed a claim for \$500 for damage to her vehicle due to alleged improper grading of the bottom of her driveway.

**Adjournment** – Moved by Sloan, seconded by Thurow and carried to adjourn at 6:46pm.

#### **Administrative Committee**

**October 7, 2019**

Present: Alderpersons John Alt, John Ellington and Heather Kierzek

Absent:                None  
Also Present:       Mayor, Mike Palm; City Attorney, Emily Truman, Finance Director, Cynthia Haggard and City Clerk, Brenda Zeman.  
Citizen Present:   None

The meeting was called to order by Chairman John Alt at 8:15AM CDT., with roll call and noting compliance with the Open Meetings Law.

Moved by Kierzek to approve the amended minutes of September 5, 2019, seconded by Ellington and unanimously carried.

Motion by Kierzek to approve amended agenda, seconded by Ellington and unanimously carried.

Review and recommendation to the Council – Picnic Liquor Licenses.

Motion to recommend to approve and move on to Council the Downtown Baraboo, Inc. and Friends of the Baraboo Zoo liquor license by Kierzek, seconded by Ellington and unanimously carried.

Consider Operator's Licenses

Motion to approve and move on to Council new licenses for Kristin Calkins; Heather Statz; Brandy Storandt; Alyssa Lokken; Matthew Knapton; Rhiannon Wilks; James Greenwood and Donna Zant by Ellington, seconded by Kierzek and unanimously carried.

Motion to approve and move on to Council renewal licenses for Megan Miller; Lynsey Ragenoski and Jami Olson by Kierzek, seconded by Ellington and unanimously carried.

Motion to approve and move on to Council temporary licenses for Emily Edge, Rogues & Ruffians Renaissance Faire; Richard Tullis, Rogues & Ruffians Renaissance Faire; Samantha Brunker, Wine Walk; Tiffany Opperman, Wine Walk; Elizabeth Hansen, Wine Walk; Amy Millie, Wine Walk; Karmen Lindner, Wine Walk by Ellington, seconded by Kierzek and unanimously carried.

Member comments

The next meeting will be November 4, 2019 at 8:15AM. Meeting location will be 101 South Boulevard. Moved by Kierzek, seconded by Ellington and unanimously carried.

Motion to adjourn by Kierzek, seconded by Ellington and unanimously carried. Meeting adjourned at 8:21AM CDT.

**BID Parking Committee Meeting Minutes**

**9-17-2019**

Location: The Jewelers Edge

Members in Attendance: Sarah Fay, Sheila Byberg

The meeting was called to order at 9:10am and noted compliance with the open meeting law

A motion was made by Byberg, seconded by Fay and unanimously carried to approve the minutes from 3-19-2019

A motion was made by Byberg, seconded by Fay to approve the agenda as presented

**2020 Budget Review**

The budget was presented by Fay and reviewed. The \$1500.00 budget amount was found to be satisfactory to meet the parking needs

	2020 Budget	
Spring Weed Removal	\$650.00	Williams Lawn Care
Fall Weed Removal	\$650.00	Williams Lawn Care
Reserves	\$200.00	
Total Budget	\$1500.00	

**Weed Removal**

Fay presented a bid from Williams Lawn Care to the committee. The bid is \$1300.00 per year for spring and fall weed removal/spraying. A motion was made by Byberg and seconded by Fay to accept the bid from Williams Lawn Care. Motion carried

A motion to adjourn was made by Byberg and seconded by Fay at 9:30am

**Baraboo Economic Development Commission Meeting Minutes****October 3, 2019****I.     Call to Meeting to Order and Note Compliance with Open Meeting Law**

Chair John Alt called the meeting to order at 5:30 PM at the Baraboo Municipal Building, room 205, 101 South Blvd., Baraboo, WI. The meeting was noticed in conformance with Wisconsin State Statutes regarding open meetings.

**II.     Roll Call**

Present: Alt, Bowers, Ayar, Johnson, Mueller, Palm, Reppen, Ryan, Taylor, Walczak, Wastlund, White

Absent:             Caflich,

Other:    Ed Geick, Patrick Cannon

**III.    Approve Agenda**

Motion to approve the agenda as presented by Taylor and seconded by Bowers.

Aye:     All via voice vote

Nay:     None

**IV.    Approve Minutes**

Motion to approve the minutes for September 5, 2019 presented by Johnson and seconded by Taylor.

Aye:     All via voice vote

Nay:     None

**V.     Public Comment**

None

**VI.    Old Business****a.    Updates on Development Activities, Plan Commission and from Commission Members:**

- Mr. Geick reported on the apartment development at 325 Lynn St. and the FY20 Budget preparations.
- Ms. Mueller reported on the Jack Young Middle School renovations. Groundbreaking is expected in mid-March.
- Mr. White that the SCDC is scheduling their Fall Forum for November 7, 2019. The Nov 7 meeting of BEDC is cancelled in order to avoid a conflict.
- Mayor Palm updated on the appointment of new City Administrator Kennie Downing, the Pierce Park donation and the Library addition project.
- Mr. Taylor said that banks headquartered in cities are a big community asset.
- Ms. Ryan updated the committee on their plans for solar panels at their facility.
- Mr. Bowers talked about the new Kwik Trip and there is no update on the old Kwik Trip site. Gander Outdoors has closed.
- Ms. Wastlund updated the committee on CDA's review of housing programs.
- Mr. Johnson expressed concern for how the wet weather was hampering crops.
- Mr. Reppen said that business is good and the County budget process was moving forward.
- Ms. Walczak said she has completed the hospital's budget process. There is a new orthopedic surgeon on staff now too.

**VII.   New Business****a.    Establishing 2020 Goals**

Chairman Alt talked about the need to establish 2020 Goals for the Commission. The current Goals will be sent out to commissioners. Mr. Taylor asked for recommendations from the City.

**VII.   Update Partner Presentation Schedule**

Mr. Bowers indicated that he will be looking to hold a meeting at the Clarion Hotel to see their renovations.

**VIII.   Commissioner and City Staff comments**

Mr. Bowers indicated the Chamber was working on the new branding and signage to go along with it in Baraboo and West Baraboo.

**IX.    Adjournment**

A motion to adjourn the meeting was made at 6:05 pm by Johnson and seconded by Mueller.

Aye:     All via voice vote

Nay:     None

- **Copies of these meeting minutes are on file in the Clerk's office:**

Library Building & Grounds

9-17-19

Friends

of

Library

10-1-19

UW Campus

9-19-19

- **Petitions & Correspondence Being Referred:** *None.*

**ADJOURNMENT**

Moved by Petty, seconded by Kolb, and carried on voice vote, that the meeting adjourn at 8:08pm.

---

Brenda Zeman, City Clerk